

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PROFESSOR JOHN C. BONNELL  
and NANCY L. BONNELL,

Plaintiffs,

vs.

Case No. 99-71155

HONORABLE PAUL D. BORMAN

ALBERT LORENZO, Individually and in his Representative Capacity as President of Macomb Community College; WILLIAM MACQUEEN, Individually and in his Representative Capacity as Vice President for Human Resources of Macomb Community College; GUS J. DEMAS, Individually and in his Representative Capacity as Dean of Arts and Sciences for Macomb Community College; and MARK COUSENS, Individually and in his Representative Capacity as the Attorney for the Macomb Community College Faculty Organization,

U.S. DIST. COURT, SOUTHERN  
EASTERN DISTRICT OF MICHIGAN  
DETROIT

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Defendants.

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& ACHO  
TIMOTHY S. FERRAND (P39583)  
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25509 Kelly Road, Suite C  
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(810) 775-5200

NOTICE OF HEARING

TO ALL COUNSEL OF RECORD:

PLEASE TAKE NOTICE that the attached Motion to Stay Proceedings, filed by the Plaintiff, will be brought on for hearing before the Honorable Paul D. Borman, on a date and time to be set by the Court.

Respectfully submitted,

  
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JUAN A. MATEO (P33156)  
2000 Penobscot Building  
Detroit, MI 48226  
(313) 962-3500

Dated: July 22, 2000

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**MOTION TO STAY PROCEEDINGS**

Plaintiffs, by and through their counsel, Juan A. Mateo and James C. Howarth, hereby move for an order staying proceedings pending decision of the United States Court of Appeals on case number 99-2047.

1. Plaintiffs filed this civil rights complaint in March, 1999.
2. The Court in August, 1999, granted to Plaintiff injunctive relief.
3. That ruling, which goes to the heart of this case, has been on appeal in the United States Court of Appeals. On February 4, 2000, the parties presented oral arguments to the United States Court of Appeals.
4. No decision has been rendered by the Court of Appeals.
5. The Court of Appeals decision would have a tremendous impact on the litigation of this case. Certainly, the Court's decision regarding the First Amendment analysis would directly effect the discovery process.
6. There has been very little discovery during the pendency of the appeal in hopes that the parties would obtain a decision from the Sixth Circuit.
7. At this point in time, the depositions of two parties are scheduled for the month of August.
8. It only makes common sense this Court stay any further proceedings in this action pending the decision from the Sixth Circuit Court of Appeals.
9. Concurrence of this relief has been requested of the defense on many occasions but has been denied.

WHEREFORE, for all of the above reasons, it has been respectfully requested this Court stay proceedings pending the decision of the appeal by the United States Court of Appeals for the Sixth Circuit.

Respectfully submitted,

  
**JUAN A. MATEO (P33156)**  
2000 Penobscot Building  
Detroit, MI 48226  
(313) 962-3500

Dated: July 22, 2000

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7/26/00  
EASTERN DISTRICT OF MICHIGAN  
DETROIT

7/26/00  
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MEMORANDUM IN SUPPORT OF MOTION TO STAY PROCEEDINGS

This Court has discretion pursuant to Rule 16 of the Federal Rules of Civil Procedure governing the scheduling and management of cases to stay this matter. Furthermore, pursuant to

its equitable powers, in general, the Court has the power to stay these proceedings pending guidance from the United States Court of Appeals for the Sixth Circuit which will most certainly be provided on a decision by the Court of Appeals regarding the outstanding appeal. Accordingly, we request this Honorable Court enter an order staying proceedings pending the appellate decision.

Respectfully submitted,

JUAN A. MATEO (P33156)  
2000 Pehobscot Building  
Detroit, MI 48226  
(313) 962-3500

Dated: July 22, 2000

The undersigned, being duly served with a summoning instrument was served upon the business premises of the defendant herein, on the 24th July 2000 and are under the penalty of perjury, do hereby declare that to the best of my information, knowledge and belief,

By: L \_\_\_\_\_ Fax \_\_\_\_\_  
Other \_\_\_\_\_